REMARKS

The Office Action dated October 28, 2008 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 73-74 have been cancelled without prejudice or disclaimer. No new matter has been added. Therefore, claims 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, 37, and 47-72 are currently pending in the application and are respectfully submitted for consideration.

Claim Rejections Under 35 U.S.C. § 112

The Office Action rejected claims 73-74 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement (i.e. allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention). Specifically, the Office Action alleged that the subject matter "a computer program, embodied on a computer readable medium" is not found in the specification as filed, and lacks support in the original disclosure. (See Office Action at pages 2-3).

Applicants respectfully submit that claims 73-74 have been cancelled without prejudice or disclaimer, and that the cancellation effectively moots the rejection. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1-12, 14-18, 20, 35, 47-62, 71, and 73 under 35

U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent Publication No.

2005/0075957 ("Pincus"), in view of U.S. Patent Publication No. 2003/0078031

("Masuda"). The Office Action took the position that Pincus discloses all the elements of

the claims with the exception of "a controller configured to control an allocation of said

reserved portion between said a plurality of services to be accessed by said at least one

user device in a session, wherein the allocation is controlled after the request is made,"

with respect to claim 1, and similar limitations with respect to the remaining claims. The

Office Action then cited Masuda as allegedly curing the deficiencies of Pincus.

Claim 73 has been cancelled without prejudice or disclaimer, and the cancellation

effectively moots the rejection, with respect to claim 73. With respect to the remaining

claims, the rejection is respectfully traversed for at least the following reasons.

Claim 1, upon which claims 2-12, 14-18, and 20 are dependent, recites an

apparatus, which includes a requesting unit configured to request that in a first entity,

including an information store configured to store information defining an amount of

money for at least one user device, a portion of said amount of money be reserved at the

first entity, as a reserved portion. The apparatus further includes a controller configured

to control an allocation of said reserved portion between a plurality of services to be

accessed by said at least one user device in a session. The allocation is controlled after

the request is made, and the apparatus is separate from said first entity, and said at least one user device.

Claim 35, upon which claims 47-70 are dependent, recites a method, which includes requesting a first entity, the first entity storing information defining an amount of money for at least one user device, for a portion of said amount of money to be reserved as a reserved portion at the first entity, at a controller separate from said first entity and at least one user device. The method further includes controlling at said controller an allocation of said reserved portion between a plurality of services to be accessed in a session after the requesting to the first entity.

Claim 71 recites an apparatus, which includes means for requesting that in a first entity including an information store configured to store information defining an amount of money for at least one user device, a portion of said amount of money to be reserved at the first entity, as a reserved portion. The apparatus further includes means for controlling an allocation of said reserved portion between a plurality of services to be accessed by said at least one user device in a session. The allocation is controlled after the request is made, and the controller is separate to said first entity and said at least one user device.

As will be discussed below, the combination of Pincus and Masuda fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

Pincus generally discloses a computerized balance management system which includes a balance manager that maintains a database having pre-paid accounts. The accounts have data such as an account balance and other account configuration data. The system also communications with a plurality of servers that are coupled to a mobile network. The balance manger is configured to perform the tasks of receiving queries from at least one of the plurality of servers, calculating a reservation amount based on the query, and reserving the reservation amount against the pre-paid account. (See Pincus at Abstract).

Masuda generally discloses a communication system where a service request transmitting section transmits a service request for a prepaid service, and a prepaid service executing section executes the prepaid service. A registration information transmitting section transmits registration information for executing the prepaid service. A user request receiving section receives the service request and the registration information. Based on the service request and the registration information, a prepayment control section performs prepayment control including allotting the balance of prepayment to a plurality of prepaid services to be conducted simultaneously. A prepaid service providing section provides the prepaid service in accordance with the corresponding allotment of the balance. (See Masuda at Abstract).

Applicants respectfully submit that Pincus and Masuda, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the elements of the present claims. For example, the combination of Pincus and Masuda fails to disclose,

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teach, or suggest, at least, "*a portion of said amount of money be reserved at the first entity,*" as recited in independent claims 1, 35, and 71.

The Office Action took the position that Pincus teaches the aforementioned limitation, highlighting the balance manger 102 and database 104 disclosed in Figure 1 of Pincus. (See Office Action at pages 3-4). Applicants respectfully submit that the Office Action's position is incorrect. Pincus discloses a balance manager 102, which receives requests to authorize charges against an account associated with a wireless device. The balance manager 102 determines a number of service units to authorize, and reserves a corresponding amount against the account. Furthermore, balance manger 102 is operably coupled to database 104. Database 104 maintains account information including an account identifier used to associate the account with one or more wireless device and account balance information. (See Pincus at paragraphs 0028-0029). Thus, Pincus teaches that it is the balance manger 102, not the database 104, which reserves an amount. In contrast, independent claims 1, 35, and 71 each recite that a portion of an amount of money is reserved at the first entity, as opposed to the apparatus. Thus, Pincus fails to disclose, or suggest, the aforementioned limitation of independent claims 1, 35, and 71.

Furthermore, Masuda does not cure the deficiencies of Pincus. The portion of Masuda cited by the Office Action merely discloses the process of allotting a balance of a prepayment to a plurality of prepaid services, in the case where two or more services are

being conducted simultaneously. Thus, Masuda also fails to disclose, or suggest, the aforementioned limitation of independent claims 1, 35, and 71.

Therefore, for at least the reasons discussed above, the combination of Pincus and Masuda fails to disclose, teach, or suggest, all of the elements of independent claims 1, 35, and 71. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Claims 2-12, 14-18, and 20 depend upon independent claim 1. Claims 47-62 depend upon independent claim 35. Thus, Applicants respectfully submit that claims 2-12, 14-18, 20, and 47-62 should be allowed for at least their dependence upon independent claims 1 and 35, respectively, and for the specific elements recited therein.

The Office Action rejected claims 21, 24-25, 28-29, 32-34, 37, 63-66, 68-70, 72, and 74 under 35 U.S.C. § 103(a) as being unpatentable over Pincus, in view of Masuda, and further in view of U.S. Publication No. 2004/0077332 ("Ephraim"). The Office Action took the position that the combination of Pincus and Masuda discloses all the elements of the claims with the exception of "a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed simultaneously by a user device; a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount; and a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount," as recited in

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independent claim 21, and similar limitations with respect to the other claims. The Office Action then cited Ephraim as allegedly curing the deficiencies of Pincus and Masuda.

Claim 74 has been cancelled without prejudice or disclaimer, and the cancellation effectively moots the rejection, with respect to claim 74. With respect to the remaining claims, the rejection is respectfully traversed for at least the following reasons.

Claim 21, upon which claims 24-25, 28-29, and 31-34 are dependent, recites an apparatus, which includes a requesting unit configured to request reservation of a portion of an amount of money defined by information stored at a first entity, and a controller configured to control an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device. The apparatus further includes a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount, and a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount.

Claim 37 recites a method, which includes requesting a reservation of a portion of an amount of money defined for at least one user device by stored information, and receiving, at a controller configured to allocate a reserved portion between a plurality of services to be accessed simultaneously, information defining an amount of said reserved portion in a first form other than a monetary amount. The method further includes converting information relating to said amount of said portion to a second form as a

monetary amount, and then allocating said reserved portion between said plurality of services.

Claim 72 recites an apparatus, which includes means for requesting reservation of a portion of an amount of an amount of money defined by information stored at a first entity, and means for controlling an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device. The apparatus further includes means for receiving from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount, and means for converting information relating to said amount of said reserved portion to a second form as a monetary amount.

As will be discussed below, the combination of Pincus, Masuda, and Ephraim fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the features discussed above.

The descriptions of Pincus and Masuda, as discussed above, are incorporated herein. Ephraim generally discloses a method for providing prepaid data transfer services to a subscriber through a communication device. The communication device is connected to a data network for transferring data from a data source, such as the Internet. A prepaid system monitors the data network in order to determine whether a particular requested data transfer should be authorized or continued. (See Ephraim at Abstract).

Applicants respectfully submit that Pincus, Masuda, and Ephraim, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the

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elements of the present claims. For example, the combination of Pincus, Masuda, and Ephraim fails to disclose, teach, or suggest, at least, *"a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount,"* and *"a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount,"* as recited in independent claim 21, and similarly recited in independent claims 37 and 72.

The Office Action correctly concludes that Pincus and Masuda, whether considered individually or in combination, fail to disclose, or suggest, the aforementioned limitation of independent claims 21, 37, and 72. Furthermore, Ephraim does not cure the deficiencies of Pincus and Masuda. As discussed below in more detail, Ephraim fails to disclose, or suggest, receiving information defining an amount of a <u>reserved portion</u> in a first form other than a monetary amount, and converting information relating to the amount of the <u>reserved portion</u> to a second form as a monetary amount.

The cited portion of Ephraim discloses a process where a prepaid system selectively allows data traffic to flow, or alternatively discards the traffic, depending on the remaining account balance of a subscriber. Specifically, the prepaid system examines packets representing requests or data, and debits the prepaid account balance for the subscriber. The calculation of the debit is divided into two parts. In the first part, the component of the prepaid system which receives the request calculates the <u>debit</u> in terms of tokens. In other words, the prepaid system calculates the <u>cost of the request</u> in the form of a non-monetary amount. Then, in the second part, the value of the tokens is

converted to a monetary value for debiting the account of the user. (See Ephraim at paragraph 0012).

In other words, the cited portion of Ephraim teaches the use of a non-monetary form to define the cost of a requested service, as opposed to using a non-monetary form to define a reserved portion of a user's balance. In contrast, independent claim 21 clearly recites "*information defining an amount of said reserved portion in a first form other than a monetary amount.*" Independent claims 37 and 72 recite similar limitations. Thus, the cited portion of Ephraim fails to disclose, or suggest, "*a receiver configured to receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount,*" and "*a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount,*" as recited in independent claim 21, and similarly recited in independent claims 37 and 72.

Therefore, for at least the reasons discussed above, the combination of Pincus, Masuda, and Ephraim fails to disclose, teach, or suggest, all of the elements of independent claims 21, 37, 72, and 74. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Claims 21, 24-25, 28-29, and 32-34 depend upon independent 21. Claims 63-66 and 68-70 depend upon independent claim 35. Thus, Applicants respectfully submit that claims 21, 24-25, 28-29, 32-34, 63-66, and 68-70 should be allowed for at least their

dependence upon independent claims 21 and 35, respectively, and for the specific elements recited therein.

The Office Action rejected claims 31 and 67 under 35 U.S.C. § 103(a) as being unpatentable over Pincus, in view of Masuda, in view of Ephraim, and further in view of U.S. Publication No. 2004/0148384 ("Ramakrishnan"). The Office Action took the position that Pincus and Masuda discloses all the elements of the claims with the exception of "the apparatus which is configured to operate in accordance with a remote authentication dial-in user service (RADIUS) protocol." The Office Action then cited Ramakrishnan as allegedly curing the deficiencies of Pincus and Masuda. The rejection is respectfully traversed for at least the following reasons.

The descriptions of Pincus, Masuda, and Ephraim, as described above are incorporated herein. Ramakrishnan generally discloses a method and system for enabling telecommunication network operators to transparently intermediate IP data flow, by providing a providing a data classification method for implementing policy based filtering, forwarding, accounting, and/or monitoring of informational packets of interest. See Ramakrishnan at Abstract).

Claims 31 and 67 depend upon independent claims 21 and 35, respectively. As discussed above, the combination of Pincus, Masuda, and Ephraim does not disclose, teach, or suggest all of the elements of independent claims 21 and 35. Furthermore, Ramakrishnan does not cure the deficiencies in Pincus, Masuda, and Ephraim, as Ramakrishnan also does not disclose, teach, or suggest, at least, "*a receiver configured to*
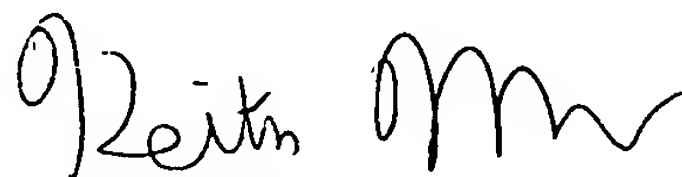
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receive from said first entity information defining an amount of said reserved portion in a first form other than a monetary amount," and "*a converter configured to convert information relating to said amount of said reserved portion to a second form as a monetary amount,*" as recited in independent claim 21; and "*requesting a first entity, the first entity storing information defining an amount of money for at least one user device, for a portion of said amount of money to be reserved as a reserved portion at the first entity, at a controller separate from said first entity and at least one user device,*" as recited in independent claim 35. Thus, the combination of Pincus, Masuda, Ephraim, and Ramakrishnan does not disclose, teach, or suggest all of the elements of claims 31 and 67. Additionally, claims 31 and 67 should be allowed for at least their dependence upon independent claims 21 and 35, and for the specific elements recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art references fail to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, 37, and 47-72 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

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